



Board of Legal Document Preparers
Arizona State Courts Building
1501 West Washington Street, Phoenix, Arizona 85007
Conference Room 109

Date: October 17, 2016
Time: 10:00 a.m.
Hearing Room 109

Approved Amended Regular Meeting Minutes

MEMBER ATTENDANCE:

Present:

Mary Carlton, Chair
Paul Friedman
Becky Nilsen
Bonnie Matheson

Telephonically Present:

Jerry Thomas
Pamela Milburn

Absent:

Deborah Colon-Mateo
Cheri Clark
Honorable Michael Herrod

OTHER ATTENDEES

AOC Staff:

Mark Wilson
Michelle Martinez
Hal White
Debbie MacDougall
Pasquale Fontana
Wendy Reiter
Bill MacIntyre
Wil Castro
Cassandra Ramos
Tara Smith

Guests:

Angela Morgan
Sara Agne
Robert Smith
Carlos Galindo
Maria Galindo
Leslie Ramirez
Larry Schwartz
Bruce Heurlin
Shannon Trezza

CALL TO ORDER

Called to Order By: Mary Carlton, Chair

Time: 10:02 a.m.

1) REVIEW AND APPROVAL OF MEETING MINUTES

Individuals Addressing the Board: Mary Carlton, Chair

1-A: *Review, discussion, and possible action regarding approval of the regular session minutes of the meeting of July 18, 2016.*

Discussion: None.

Motion: Consideration of and motion to approve the regular session minutes from July 18, 2016.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

2) PENDING COMPLAINTS/RENEWAL OF CERTIFICATION

Individuals Addressing the Board: Mark Wilson

2-A: *Review, discussion and possible action regarding complaint number 15-L001.*

Discussion: Staff recommends that this matter be held in abeyance and considered if applicant reapplies for certification.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

2-B: *Review, discussion and possible actions regarding:*

- i. *Complaint number 15-L015; and*
- ii. *Renewal of certification involving certificate holder, Grace Beltran.*

Discussion: Division staff recommends that the Board accept the findings of the Probable Cause Evaluator that probable cause exists and revoke Grace Beltran's certification and deny her request to renew the same certification.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

2-C: *Review, discussion and possible actions regarding:*

- i. *Complaint number 15-L016; and*
- ii. *Renewal of certification involving certificate holder, Carlos Galindo.*

Discussion: Division staff recommends that the Board accept the findings of the Probable Cause Evaluator that probable cause exists and suspend Galindo's certification for 30 days.
In addition, Staff recommends that any action on Galindo's application to renew his certification be deferred until the expiration of his suspension.

Mr. Galindo was present and addressed the Board.

Motion: The Board moves to defer for possible consent agreement.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

2-D: *Review, discussion and possible action regarding complaint number 16-L007/16-L008, involving certificate holder, Shannon Trezza and Arizona Statewide Paralegal.*

Discussion: Staff recommends the Board accept the findings of the Probable Cause Evaluator that probable cause exists as to Allegations 1 and 2 and issue a Censure. Staff further recommends that the Board accept the Probable Cause Evaluator's determination that probable cause does not exist as to Allegation 3 and dismiss Allegation 3.

Shannon Trezza and her attorney, Bruce Heurlin were present and addressed the Board.

Motion: The Board moves to defer and requests staff invite the complainant to attend the next meeting.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

2-E: *Review, discussion and possible action regarding complaint number 16-L010/16-L011, involving certificate holder, Shannon Trezza and Arizona Statewide Paralegal.*

Discussion: Staff recommends that the Board accept the determination of the Probable Cause Evaluator and dismiss Complaint Numbers 16-L010 and 16-L011.

Shannon Trezza and her attorney, Bruce Heurlin were present and addressed the Board.

Motion: The Board moves to defer and requests staff invite the complainant to attend the next meeting.

Motion Proposals: First Mary Carlton
Second Paul Friedman

Motion Results: Pass

2-F: *Review, discussion and possible actions regarding:*
i. *Complaint number 15-L006; and*
ii. *Renewal of certification involving certificate holder, Sergio Diaz.*

Discussion: It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Sergio Diaz has not committed the alleged act(s) of misconduct as detailed in Allegations 5 and 6 of the Investigation Summary and Allegation Analysis Report in complaint number 15-L006.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Sergio Diaz has committed the alleged act(s) of misconduct as detailed in Allegations 1, 2, 3, and 4 of the Investigation Summary and Allegation Analysis Report in complaint number 15-L006.

It is further recommended the Board suspend Sergio Diaz for a

period of 30 days.

Based on the recommendation regarding the aforementioned complaint number, it is recommended Diaz's renewal application determination be deferred pending the successful completion of his suspension.

Motion: Consideration of and motion to accept staff's recommendation. In addition to the suspension, the Board imposes probation for a period of six months. Also, Diaz must send letters to clients regarding suspension and cannot work on files.

The Board directs Division staff to notify the Immigration Board.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

2-G: *Review, discussion and possible actions regarding:*
i. *Complaint numbers 15-L012/15-L013; and*
ii. *Renewal of certification involving certificate holder, Donald Steward and Document Resource Center.*

Discussion: It is recommended that the Board accept the finding of the Probable Cause Evaluator and enter a finding Donald Steward and Document Resource Center, LLC have not committed the alleged acts of misconduct.

If is further recommended the Board dismiss complaint numbers 15-L012 and 15-L013.

Motion: Consideration of and motion to accept staff's recommendation and include cautionary language to Mr. Steward.

Motion Proposals: First Mary Carlton
Second Paul Friedman

Motion Results: Pass

Discussion: It is recommended to grant renewal of LDP certification to Donald Steward and Document Resource Center.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Mary Carlton
Second Becky Nilsen

Motion Results: Pass

2-H: *Review, discussion and possible action regarding Findings of Fact, Conclusions of Law and Recommendation regarding complaint numbers 15-L008 and 15-L009, involving Penny Burley and That Paralegal Place.*

Discussion: Staff recommends that the Board find Penny Burley and That Paralegal Place in default and enter a Final Order issuing a Censure.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

2-I: *Review, discussion and possible action regarding complaint numbers 16-L013/16-L014 and 16-L015/16-L016, involving certificate holder, Penny Burley and That Paralegal Place.*

Discussion: It is recommended the Board issue an emergency summary suspension.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Discussion: Furthermore, it is recommended that the Board make a finding that the public health, safety or welfare is at risk and requires an emergency suspension of both certifications.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Mary Carlton
Second Becky Nilsen

Motion Results: Pass

3) INITIAL CERTIFICATION AND ELIGIBILITY

Individuals Addressing the Board: Mark Wilson

3-A: Review, discussion and possible action regarding the following applications for initial, individual, business entity legal document preparer certification and business entity exemption requests:

Discussion:

1. Maribel Espinoza
2. Ariana Gonzalez
3. Sherri Maentanis
4. Arizona Document Filing Services, LLC
5. Kira Reitz

Staff recommends that initial certification be granted.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals:

First	Paul Friedman
Second	Mary Carlton

Motion Results: Pass

Discussion:

6. Brandon Clark

Staff recommends that Mr. Clark be granted initial certification.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals:

First	Paul Friedman
Second	Becky Nilsen

Motion Results: Pass

Discussion:

7. Melissa Hill

Staff recommends that Ms. Hill be granted initial certification.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals:

First	Paul Friedman
Second	Becky Nilsen

Motion Results: Pass

Discussion: 8. Marisela Miranda

Staff recommends that Ms. Miranda be granted certification.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

Discussion: 9. Deisy Perez

Staff recommends that Ms. Perez be granted initial certification.

Motion: Defer this matter to the next meeting and request applicant attend next meeting.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Discussion: 10. Susann Thompson

Staff recommends that Ms. Thompson be granted initial certification.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

Discussion: 11. Thompson Paralegal Services, LLC

Staff recommends that Thompson Paralegal Services, LLC, be granted initial certification.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

Discussion: 12. Larry Schwartz

Staff recommends that Mr. Schwartz be granted initial certification.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

Discussion: 13. Westside Legal Documents, LLC

Staff recommends that Westside Legal Documents, LLC, be granted certification.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

Discussion: 14. Karen Ann Young

Staff recommends that Ms. Young be granted initial certification.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

Discussion: 15. Janielle Avila-Sedoris

Staff recommends that Ms. Avila-Sedoris be granted initial certification but that she also be cautioned concerning the ACJA requirements related to the use of the term "JD" and other similar terms.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Mary Carlton
Second Paul Friedman

Motion Results: Pass

Discussion: 16. Sallie Hartdegen

Staff recommends that Ms. Hartdegen be granted initial certification but that she also be cautioned concerning the ACJA requirements related to the use of the term “JD” and other similar terms.

Motion: Consideration of and motion to accept staff’s recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

Discussion: 17. Angela Morgan

Staff recommends granting initial certification to Angela Morgan with standard non-disclosure language.

Motion: Consideration of and motion to accept staff’s recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

Discussion: 18. Kelly Tate-Gardner

Staff recommends that Ms. Tate-Gardner be granted certification. Staff further recommends that Ms. Tate-Gardner’s notification letter contain the standard non-disclosure language

Motion: Consideration of and motion to accept staff’s recommendation.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

Discussion: 19. Leslie Ramirez

Staff recommends that the Board deny Legal Document Preparer certification to applicant.

Leslie Ramirez was present and addressed the Board.

Motion: Defer this matter to allow staff time to provide the audio interview

with applicant.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

Discussion: 20. Theresa Keves

Staff recommends that Ms. Keves' application for certification be denied.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

Discussion: 21. Timothy Reedy

Staff recommends that Mr. Reedy be allowed to withdraw his application for certification.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Mary Carlton
Second

Further Discussion: Board members express concern regarding potential impact of allowing withdrawal. Original motion is withdrawn.

Motion: Consideration of and motion to reject staff's recommendation and defer matter to later meeting.

Motion Proposals: First Paul Friedman
Second Becky Nilsen

Motion Results: Pass

3-B: *Review, discussion and possible action regarding Findings of Fact, Conclusions of Law and Recommendation regarding the denial of application of certification for Robert Smith.*

Discussion: Staff recommends that Board accept the findings of Judge O'Neil, in part, and affirm the denial of Mr. Smith's application for certification.

Robert Smith was present with his attorney, Sarah Ogney, and addressed the Board.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

4) CERTIFICATION AND ELIGIBILITY

Individuals Addressing the Board: Mark Wilson

4-A: *Review, discussion and possible action regarding request for Inactive Status from certificate holder, Jeanne Malys.*

Discussion: Staff recommends that the Board accept the request and place Jeanne Malys on Inactive Status.

Motion: Consideration of and motion to accept staff's recommendation.

Motion Proposals: First Paul Friedman
Second Mary Carlton

Motion Results: Pass

4) ADMINISTRATIVE ISSUES

Individuals Addressing the Board: Mark Wilson

5-A: *Review, discussion and possible action regarding possible Code changes concerning continuing education and certification issues.*

Discussion: Staff presented information regarding possible Code changes concerning continuing education and certification issues.

5-B: *Review, discussion and possible action regarding the establishment of the 2017 Board meeting schedule.*

Discussion: It is recommended the 2017 meeting calendar be set as follows:

January 23, 2017
March 27, 2017
May 22, 2017
July 17, 2017
September 25, 2017
November 20, 2017

5-C: *Update on Consent Agreement for Daniel Carrasco.*

Discussion: Staff presented information regarding the Consent Agreement for Daniel Carrasco.

CALL TO THE PUBLIC

None.

ADJOURNMENT

Motion: Adjourn the meeting.

Motion Proposals: First Becky Nilsen
Second Paul Friedman

Motion Results: Pass

Time: 12:29 p.m.